



**An Roinn Gnóthaí
Eachtracha agus Trádála**
Department of
Foreign Affairs and Trade

Our Ref: Fol/Req/2020/115

16 July 2020

Dear Mr. Kelly,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

All correspondence and communications of any kind whatsoever between the Department of Foreign Affairs and Trade, its employees, the Tánaiste and Minister for Foreign Affairs and Trade and/or his advisers and other civil servants and/or the Fianna Fáil, Fine Gael and/or the Green Party or their representatives regarding their programme for Government negotiations.

I also refer to the acknowledgement of your request which was sent to you on 1st July 2020 and the confirmation of a one-week extension you granted on 10 July 2020 extending the reply date until 17 July 2020.

The Green Party requested a meeting with the Department to discuss issues such as Brexit\Northern Ireland, EU trade deals and Middle East\Palestine. This oral briefing with the Green Party was coordinated via the Secretary General's office. Participants at the briefing were Niall Burgess - Secretary General, Aingeal O'Donoghue - Director General EU Division, Fergal Mythen - Director General Ireland, UK and Americas Division and Sonja Hyland - Director General Political Division. No briefing material was provided to the Green Party, but some material was prepared for the Secretary General to use at the oral briefing.

Please note, the Department of the Taoiseach has centrally released briefing material provided to parties at the following link <https://www.gov.ie/en/publication/7b927-programme-for-government-documents/>

I have identified 4 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 3 of the records and partially release 1 record.

Where access has been refused, the records are exempt from release under the following grounds in the Freedom of Information Act 2014. I have also provided a short explanation for my decisions under each section.

Section 29 - Deliberations of FOI bodies

In relation to Section 29(1) of the Act, I have considered whether the public interest would be better served by releasing the record in question in terms of the right of the public to have access to information and the need for transparency in decision making process. These record contains matter relating to the deliberative processes of an FOI body of which the granting would be contrary to the public interest. I am satisfied that on balance the public interest would not be best served by releasing the information.

Section 33 - Security, defence and international relations

Exemptions under Section 33 relate to the security, defence and international relations of the State. I have refused or part-refused 1 record under Sections 33(2)(b)(i) and/or 33(2)(b)(ii). These are mandatory exemptions and I am obliged to refuse access. I have also exempted information from 1 record under Section 33(1)(d) of the Act, on the basis that access to said information could reasonably be expected to adversely affect the international relations of the State. The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 192 countries. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to this information would adversely affect the State's relations by, among other things, introducing major doubts with regard to the security and confidentiality of our diplomatic communications. It is important to maintain that mutuality of trust in order to protect and promote Ireland's interests internationally. My decision to refuse access to the information contained in the record is informed by my consideration of the likelihood that its release could result in negative consequences, and the likely severity of said consequences.

1 document has been withheld under Section 33(3)(c)(i), as this document includes information communicated in confidence whose disclosure would adversely affect the interests referred to in section 33(1) of the Act.

Section 35 – Information obtained in confidence

Under Section 35(1)(a), I have exempted from release information from 1 record. The information refused under Section 35 was given in confidence, on the understanding that it would be treated as confidential. This is also a mandatory exemption. I have taken into consideration your right to access information, however I am satisfied that releasing the information in this record would probably impair the workings of this Department (in particular by undermining the sourcing of such information in future) without any countervailing benefit to the broader public interest.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by email to foi@dfa.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julita Gallagher', with a stylized flourish at the end.

Julita Gallagher
Secretary General Office